THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.678 OF 2006

Dated: 10-01-2006

Between

C. Madhusudhan, S/o. late Sri C. Sreeramulu,

Occ: F.P. Shop Dealer, Ward No.23, Nandyala

Town, Kurnool District.

...PETITIONER

AND

The Joint Collector, Kurnool, Kurnool District

and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the second respondent in suspending his authorization of the fair price shop dealership of 23rd ward of Nandyal Town by his proceedings Rc.E.05/06 dated 02.01.2006 without making any enquiry as illegal and arbitrary.

Learned counsel for the petitioner submits that the authorization of the petitioner's fair price shop dealership was suspended by the Revenue Divisional Officer vide his proceedings Rc.E.05/06 dated 02.01.2006 pending enquiry on the ground that the petitioner diverted 3.40

Quintals of Public Distribution Rice to black market. The learned counsel further submits that the petitioner preferred an appeal against the said order under Clause 20(1) of the Andhra Pradesh Public Distribution System Control Order, 2001 before the Joint Collector, Kurnool along with a stay application, which is pending.

As the appeal and the stay application are pending before the appellate authority it is not just and proper for this Court to consider the merits of the case and permit the petitioner to pursue parallel proceedings.

Having regard to the facts and circumstances of the case,
the first respondent is directed to consider and the dispose the stay application within two weeks from the date of receipt of a copy of this order and thereafter the appeal itself may be disposed of as expeditiously as possible. Irrespective of the pendency of the appeal the second respondent is permitted to issue a show cause notice framing certain charges calling upon the petitioner as to why an appropriate action shall not be taken, complete the enquiry and pass appropriate final orders within eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

January 10, 2006

DSK